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Human rights situation in Palestine and other occupied Arab territories

Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, submitted pursuant to Commission on Human Rights resolution 1993/2 A and Human Rights Council resolution 5/1. In it, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono examines the overall lack of effective protection of the rights of Palestinians living under Israeli occupation since 1967 and addresses the non-cooperation of Israel with the mandate. He reviews allegations of violations of human rights related to the surge in violence in the Occupied Palestinian Territory in 2015. The report further illustrates continuing concerns regarding the protection of human rights and respect for international humanitarian law by reviewing selected recommendations related to the Occupied Palestinian Territory of the second universal periodic review of Israel. It also draws on communications addressed by the Special Rapporteur to the Government of Israel to illustrate continuing concerns.

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Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967

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I. Introduction

1. The present report examines the need for effective protection of the rights of Palestinians living under Israeli occupation since 1967. Since assuming his mandate in June 2014, the Special Rapporteur has been struck by the abundant amounts of information and reports on violations of international human rights law and international humanitarian law, on the one hand, and the seeming inability of the international community to match what is known of the situation with more effective protection of Palestinians in the Occupied Palestinian Territory.

2. The Special Rapporteur emphasizes the importance of Palestinian, Israeli and international civil society organizations, human rights defenders, United Nations actors and other international bodies working tirelessly to improve the situation of human rights and provide a protective presence for Palestinians against the effects of Israeli policies and practices related to the occupation. However, year after year, violations of international humanitarian law and of civil, political, economic, social and cultural rights continue to be reported. Key recommendations to the Government of Israel presented by the Secretary-General, the United Nations High Commissioner for Human Rights and independent mandate holders, such as the Special Rapporteur, to the General Assembly and the Human Rights Council remain largely unimplemented. In the present report, the Special Rapporteur examines the outcome of the second universal periodic review of Israel and discusses key recommendations made by States regarding areas of broad, ongoing concerns in the Occupied Palestinian Territory, on the issues of settlements, the blockade, Palestinian prisoners and detainees and accountability, and responses by the Government of Israel.

3. As an occupied people, under international humanitarian law, Palestinians in the Occupied Palestinian Territory are "protected persons". Yet there is a disconnect between the rights and protections afforded to them under international humanitarian law, and international human rights law in particular, and actual protection. Israel, as the occupying Power, holds the primary responsibility for addressing this disconnect. The Special Rapporteur wishes to illustrate some facets of the vulnerability of individual Palestinians resulting from Israeli policies and practices. He will do so by reference to letters of allegation and urgent appeals that he and other special procedure mandate holders addressed to the Government of Israel in 2014 and 2015, raising alleged violations of international humanitarian law and international human rights law in specific cases.

4. While the mandate of the Special Rapporteur is focused on investigation of violations by Israel of the principles and bases of international law (see Commission on Human Rights resolution 1993/2 A), the Special Rapporteur has previously noted the fact that both Palestinians and Israelis have been victims of the protracted Israeli-Palestinian conflict. The scale of the impact, however, whether in terms of casualty figures or wider impacts, differs significantly in that the daily lives of Palestinians are affected by the Israeli occupation. The destructive impact of the Israeli-Palestinian conflict is particularly clear in times of active hostilities, such as in the summer of 2014 in Gaza, or as has been witnessed particularly in the fourth quarter of 2015, especially in the West Bank, during escalations in violence.

5. According to the Office for the Coordination of Humanitarian Affairs, in October and November 2015 the escalation of violence resulted in the deaths of more than 100

Palestinians and some 11,300 injured, and 17 Israeli fatalities and some 170 injured.[1] The Special Rapporteur wishes to reiterate two points, related to the current violence, which are interlinked. The first is that any wanton act of individual violence, whether committed by Palestinians or Israelis, is unacceptable and must be investigated and prosecuted in accordance with international standards. The second is that the upsurge of violence with serious concerns of excessive use of force by Israeli security forces in the context of attacks and alleged attacks by Palestinians and during clashes, and ongoing settler violence, is arising within a pre-existing context. Anyone seeking to quell the unrest would, notwithstanding the unequivocal position that individual perpetrators of crimes must be held responsible, need to look to the context and related root causes of the overall heightened tension. To simply condemn individual attacks does not offer any viable way out of the violence rolling over the Occupied Palestinian Territory.

6. It is part of the current context that there seems to be an atmosphere of despair, particularly among the Palestinian youth, at the prolonged interference by Israeli authorities in every aspect of Palestinian life, the general absence of accountability for violations and abuses committed against them and the absence of any immediate prospects of an improvement in the situation.

7. On 13 July 2014, in a letter addressed to the Secretary-General, the President of the State of Palestine, Mahmoud Abbas, formally requested that "the territory of the State of Palestine be placed under an international protection system by the United Nations". President Abbas highlighted the long-standing occupation and the prevention of the exercise of the right of Palestinians to self-determination. In the letter, three overarching objectives of the protection system for Palestine were detailed including ensuring respect for human rights, fundamental freedoms and international law and international humanitarian law and to providing protection for the Palestinian people and civilian population from the ongoing occupation and acts of aggression by Israel (see S/2014/514, annex).

8. On 21 July 2014, the Secretary-General transmitted the letter to the President of the Security Council (S/2014/514). On 21 October 2015, the Secretary-General, referencing his earlier letter, further transmitted a summary of historical precedents of international protection regimes for areas of territories and their inhabitants (see S/2015/809, annex). The Secretary-General requested the President of the Security Council to bring his letter dated 21 October 2015 and the accompanying annex to the attention of the members of the Security Council.

9. The Special Rapporteur will not comment on the specifics of the request for international protection, except to reiterate that long-standing Israeli policies and practices in the Occupied Palestinian Territory, such as continued settlement expansion, the construction of the wall, and the blockade of Gaza, are illegal under international law and well-known to entail ongoing and serious violations of the human rights of Palestinians.

II. Non-cooperation by Israel with the mandate

10. The Special Rapporteur deeply regrets to report that he has been obstructed in his ability to fulfil his mandate by the lack of cooperation of Israel. The Special Rapporteur assumed the mandate as an impartial observer and has from the outset made great efforts to engage in dialogue with the Government of Palestine and the Government of Israel. He has

[1] Office for the Coordination of Humanitarian Affairs, "Casualties in the Occupied Palestinian Territory and Israel, 1 October to 30 November 2015", 14 December 2015.

repeatedly signaled that his only interest, as an independent expert, lies in the effective and even-handed implementation of the mandate.

11. The Government of Palestine has extended full cooperation with the mandate holder. The Special Rapporteur has met with several Palestinian officials, including during his two missions to the region, graciously facilitated by the Governments of Jordan and Egypt, in lieu of in situ missions, in September 2014 and June 2015.

12. In a letter dated 13 October 2015, the Special Rapporteur formally renewed his request to the Government of Israel to grant him access to the Occupied Palestinian Territory by the end of 2015. This followed similar letters dated 12 August 2014, 13 February 2015 and 13 May 2015. No formal response has been received from Israel to these requests.

13. The Government of Israel has repeatedly sought to justify its non-cooperation by referring to its reservations regarding the mandate. Consequently, despite assurances of access made upon his appointment, and the duty of Israel, as a Member State, to extend cooperation to a special procedure mandate holder, the Special Rapporteur has effectively been denied access to the Occupied Palestinian Territory.

14. The Special Rapporteur has consistently sought to be an effective voice for the victims of violations committed under the occupation, but regrets that the policy of Israel has hampered him in fulfilling this role to the full. As noted in his report to the General Assembly presented in October 2015 (A/70/392), without access, the Special Rapporteur has had to reconsider how he can best serve the mandate (ibid., para. 7). Critically, for the current incumbent, having access to the Occupied Palestinian Territory and meaningful dialogue with both sides was the premise upon which he accepted the mandate.

15. All previous holders of this mandate since its establishment in 1993, but for the Special Rapporteur's immediate predecessor, have been permitted by Israel to access Israel and the Occupied Palestinian Territory (see A/69/301 and Corr.1, sect. III).[2] It has always been the intent of the current Special Rapporteur to fulfil this mandate by gathering information during missions to the Occupied Palestinian Territory and through face-to-face meetings with victims and witnesses, civil society representatives, United Nations representatives and Palestinian and Israeli government officials.

16. The Special Rapporteur expresses his appreciation for the broad support for his access to the Occupied Palestinian Territory by Member States.[3] He considers it of the utmost importance that the international community, in particular the Human Rights Council, redouble political pressure to insist that Israel return to the level of cooperation extended when the mandate was first established and, at the very least, ceases to obstruct the mandate holder's access to the Occupied Palestinian Territory.

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[2] Access does not imply formal cooperation with the mandate.

[3] See, e.g., statements made during the interactive dialogue following the presentation by the Special Rapporteur of his report to the Third Committee, 34th meeting, seventieth session of the General Assembly, 29 October 2015. Available from http://webtv.un.org/meetings-events/watch/third-committee-34th-meeting---70th-general-assembly/4587399067001#full-text.

III. Alleged human rights violations related to the rise in violence in 2015[4]

17. The Special Rapporteur has raised a number of concerns related to the rise in violence in the Occupied Palestinian Territory, especially of excessive use of force by Israeli security forces during clashes and in the context of attacks and alleged attacks by Palestinians. The situation escalated in October, following heightened tensions, and continued in November and December 2015.[5] The upsurge in violence[6] is a grim reminder of the unsustainable human rights situation in the Occupied Palestinian Territory and the volatile environment it engenders. On 22 October 2015, the Deputy Secretary-General in his briefing to the Security Council, while stressing that there is no justification for murder, stated that the current crisis would not have erupted "if Palestinians did not still live under a stifling and humiliating occupation that has lasted almost half a century".[7]

18. Against the backdrop of illegal settlements in the West Bank, including East Jerusalem, the blockade of Gaza, and a general lack of accountability, including for violations and crimes by Israeli security forces and settlers, tensions rose further in September and October 2015 following restrictions imposed by Israeli authorities on Palestinians' access to the Al-Aqsa compound and what Palestinians viewed as attempts to alter the status quo at the Al-Aqsa compound.

19. On 14 September 2015, in his opening address to the thirtieth session of the Human Rights Council, the High Commissioner for Human Rights noted concerns of excessive use of force in the context of a spike in killings of Palestinians over previous months in incidents involving Israeli security forces in the West Bank. The Special Rapporteur received submissions from two Hebron-based non-governmental organizations on the case of an 18-year-old woman, Hadeel al-Hashlamoun, who was killed on 22 September 2015 by Israeli forces at a checkpoint in Hebron. There have been allegations that it constituted an extrajudicial execution, amid questions of whether the woman possessed a knife as claimed by Israeli forces.[8] Even in the context of an alleged stabbing attack, there are serious questions as to whether lethal use of force was warranted by the threat level presented by one young woman with a knife confined to the area of a checkpoint controlled by several armed Israeli soldiers.[9] She was reportedly shot multiple times and it appears there was no medical assistance attempted by the Israeli authorities.[10] The investigation by one Israeli non-governmental organization found that the allegation that she had attempted to stab soldiers could not "be reconciled with the fact that there was a metal barrier between her and the soldiers". The organization further noted that she had been shot repeatedly,

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[4] Data available at the time of drafting primarily covered the months of October and November 2015. At the time of finalizing the present report in December 2015, the situation was ongoing.

[5] Press releases, "'Extremely volatile situation across the Occupied Palestinian Territory' – UN expert expresses grave concern", 16 October 2015, and "UN rights experts express deep concern about ongoing bloodletting in the Occupied Palestinian Territory", 16 November 2015, issued together with the Special Rapporteur on extrajudicial, summary or arbitrary executions.

[6] See also press release of the High Commissioner for Human Rights, "Zeid urges calm and restraint in West Bank amid deadly escalation", 8 October 2015.

[7] See www.un.org/sg/dsg/statements/index.asp?nid=674.

[8] Israel, Ministry of Foreign Affairs, "Palestinian woman attempts to stab soldier in Hebron", 24 September 2015 (communicated by the Spokesperson's Office of the Israel Defense Forces).

[9] Peter Beaumont, "Dispute arises over circumstances of death of woman at Israeli checkpoint" (including a filmed witness account and photo documentation), *The Guardian*, 23 September 2015.

[10] Amnesty International, "Evidence indicates West Bank killing was extrajudicial execution", 25 September 2015.

when she did not pose a threat, following initial shots to her legs, and called on the Israeli military to publish its video documentation from the checkpoint's security cameras.[11]

20. October and November 2015 also saw a wave of protests and violent clashes between Palestinians and Israeli security forces. Excessive use of force by Israeli security forces against Palestinians in the context of attacks and alleged attacks on Israelis, including soldiers, and during clashes, has been widely reported. Whereas much of the initial violence centred in East Jerusalem, Hebron, where Palestinians also live in close proximity to a large settler population and with a large presence of Israeli security forces, has become a hotspot. While most fatal incidents occurred in the West Bank, including East Jerusalem, Palestinians in Gaza have also been killed in incidents involving Israeli security forces. In reported incidents on 9 and 10 October 2015, 9 Palestinians were reported killed and more than 230 injured, by Israeli security forces during protests in Gaza linked to the situation in the West Bank.[12]

21. The high number of Palestinian casualties in individual incidents and during clashes with Israeli security forces, since the violence escalated, is extremely worrying. The Office for the Coordination of Humanitarian Affairs reported that, in October and November 2015, of some 11,300 Palestinians injured, injuries were mainly caused by exposure to tear gas (60 per cent), rubber bullets (23 per cent) and live ammunition (14 per cent).[13] Of fatalities in the same period, the Office for the Coordination of Humanitarian Affairs reported that 60 Palestinians, including children, were killed in the context of attacks and alleged attacks against Israelis, and 17 Israelis were killed in such attacks. In addition, 39 Palestinians were killed in the context of clashes with Israeli security forces. Three Palestinians were killed in other types of incidents.[14]

22. On 14 October 2015, nine human rights organizations in Israel issued a joint press release against statements made by politicians and senior police officers to the effect that attackers should be killed, and noted "it seems that too often, instead of acting in a manner consistent with the nature of each incident, police officers and soldiers are quick to shoot to kill".[15] On 26 October 2015, in response to a letter from a human rights organization, the Attorney General of Israel is reported to have clarified the circumstances in which Israeli forces may use firearms: "the use of a firearm to prevent an immediate life-threatening situation is permitted as long as there is concrete fear of such harm" and "to use a firearm after the threat to bodily integrity or human life has elapsed would constitute a deviation from the law".[16] He also, reportedly, noted that the use of fire must be proportional to the threat.

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[11] B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, "B'Tselem investigation: No justification for multiple bullets that killed Hadil al-Hashlamun in Hebron", press release, 24 September 2015.

[12] Office for the Coordination of Humanitarian Affairs, "Protection of Civilians report: 6-12 October 2015", 15 October 2015, p. 1.

[13] Office for the Coordination of Humanitarian Affairs, "Casualties in the Occupied Palestinian Territory and Israel, 1 October to 30 November 2015", 14 December 2015 (figures exclude casualties within Israel except where Palestinians from the Occupied Palestinian Territory were involved in incidents). Three per cent of injuries were caused by other types of weapons.

[14] Ibid.

[15] Association for Civil Rights in Israel, Amnesty International – Israel branch, B'Tselem, Gisha, Public Committee Against Torture in Israel, HaMoked: Center for the Defense of the Individual, Yesh Din – Volunteers for Human Rights, Adalah: Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights – Israel.

[16] *Times of Israel*, "A-G: It's illegal to fire on suspects who don't pose threat", 26 October 2015.

23. Among credible reports of alleged perpetrators shot dead by Israeli security forces when not posing an immediate threat to the life of Israeli soldiers or others, is the case of a 72-year-old woman killed on 6 November 2015. Israeli forces reportedly alleged that she intended to ram them with her car.[17] However, reported footage of the incident shows that soldiers continued firing after jumping out of the way of the car.[18] On 14 October 2015, a young Palestinian man from Hebron was shot dead by Israeli security forces in the context of an alleged attempted stabbing attack at the Damascus Gate entrance to the old city in East Jerusalem. A video of the incident showed the man running past police officers with what appeared to be a knife in his hand before being shot.[19] While the situation posed a level of threat, it is troubling that it appears from the footage available that there was no attempt by the Israeli security forces present to immobilize the suspect in order to apprehend him.[20] It has been claimed that a second video shows the man being shot again while lying almost motionless on the ground.[21]

24. The Special Rapporteur is deeply concerned at measures employed against the Palestinian population in the context of the escalation of violence. While Israeli authorities need to respond appropriately and proportionally to the deteriorating security situation, measures that are excessive violate international law and only add fuel to already inflamed tensions. In mid-October the Israeli Ministry of Foreign Affairs reported the approval by the Security Cabinet of a number of measures, authorizing Israeli security forces to "impose a closure on, or to surround, centers of friction and incitement in Jerusalem".[22] The measures also provided that where a punitive demolition has taken place no new construction would be permitted, that the [suspected] perpetrators' property would be confiscated and their East Jerusalem residency rights revoked.[23]

25. Punitive demolitions of the homes of perpetrators or alleged perpetrators of attacks against Israelis are in contravention of international humanitarian law and international human rights law. Israel, as the occupying Power is prohibited from destroying private property in the Occupied Palestinian Territory.[24] Such demolitions further constitute collective punishment, contrary to article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, affecting not only the perpetrator or suspected perpetrator, but also the family of the targeted person and often families in adjacent homes impacted by the blast of the demolitions. Punitive demolitions violate a number of human rights, including the right to housing. According to the Office for the Coordination of Humanitarian Affairs, from mid-October to the end of November 2015, 11 homes were demolished or sealed in such punitive actions. This caused the displacement of 80 Palestinians, including 42 children. Twenty-six persons living in adjacent buildings were

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[17] *Times of Israel*, "Elderly Palestinian woman tries to run over soldiers near Hebron", 6 November 2015.

[18] Amnesty International, "Israel/OPT: Investigate apparent extrajudicial execution at Hebron hospital", press release, 12 November 2015, and B'Tselem, "Unjustified use of lethal force and execution of Palestinians who stabbed or were suspected of attempted stabbings", press release, 16 December 2015.

[19] From interview with a police spokesperson, with footage of the shooting (MSNBC LIVE With José Diaz-Balart, "Police: 'No doubt' man posed imminent threat" 14 October 2015).

[20] B'Tselem, "Footage raises grave concern that Fadi 'Alun and Basel Sidr were shot while no longer posing danger", press release, 15 October 2015.

[21] Al Jazeera, "Mapping the dead in latest Israeli-Palestinian violence" (accessed 9 December 2015).

[22] Israel, Ministry of Foreign Affairs, "Security Cabinet approves anti-terror measures", 13 October 2015.

[23] Ibid.

[24] This prohibition (art. 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War) applies unless an absolute necessity for military operations exists.

also temporarily displaced in connection with the demolitions.[25] On 16 November 2015, the Humanitarian Coordinator in the Occupied Palestinian Territory expressed distress at reports of punitive demolitions targeting five family homes concluding that "punitive demolitions are inherently unjust, punishing innocent people for the acts of others".[26]

26. In East Jerusalem, extensive restrictions, affecting the right to freedom of movement, in the form of roadblocks and checkpoints were imposed following approval by the Israeli Security Cabinet in mid-October 2015. At the end of November, the Office for the Coordination of Humanitarian Affairs reported that around 76,000 people in six Palestinian neighbourhoods in East Jerusalem were still directly affected by additional checkpoints, roadblocks and an earth mound.[27] While such restrictions were gradually lifted in East Jerusalem, they were increasingly imposed in Hebron where several main access roads to the city were blocked by Israeli security forces and inspections and searches of Palestinians at the many checkpoints intensified. It is troubling that some international organizations providing a crucial protective presence are reported to have been denied access to the areas of Hebron city most affected and that their staff have allegedly been harassed by settlers and Israeli forces.[28] In this context, the Special Rapporteur is also seriously concerned at information received of Palestinian human rights defenders in Hebron being harassed and threatened by Israeli security forces and settlers.

27. With respect to the right to education during the period of increased tensions and clashes, the Special Rapporteur has received allegations of schoolchildren and teachers in Hebron being harassed by Israeli forces and settlers on their way to and from school in October 2015. Children attending school in the H2 area of Hebron, controlled by Israeli security forces, appear to have been particularly adversely affected. According to the organization Christian Peacemaker Teams, in the first 10 schooldays of October, more than 140 tear gas canisters were fired by Israeli forces from two military checkpoints in H2 as Palestinian children walked to and from school.[29]

28. At the time of the finalization of this report in early December 2015, the situation of heightened violence, within the context of the ongoing occupation, continued. The Special Rapporteur stresses the need to ensure respect for the human rights of Palestinians. Responding to the deteriorated security situation does not permit excessive measures or measures of collective punishment to be carried out by Israeli authorities. The Special Rapporteur reiterates that it is imperative that Israeli security forces abide by international standards on use of force, in particular the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. He renews the call on Israeli authorities to carry out independent, effective, thorough, prompt and impartial investigations into all suspected cases of extrajudicial, arbitrary and summary executions.

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[25] Office for the Coordination of Humanitarian Affairs, "Humanitarian Bulletin: occupied Palestinian territory - November 2015", p. 9.

[26] Office for the Coordination of Humanitarian Affairs, "Humanitarian Coordinator calls for end to punitive demolitions in the occupied West Bank", Jerusalem, 16 November 2015.

[27] Office for the Coordination of Humanitarian Affairs, " Humanitarian Bulletin - November 2015", p. 6.

[28] Ibid., p. 1.

[29] Christian Peacemaker Teams, "Al-Khalil (Hebron): Christian Peacemaker Palestine October Newsletter", 3 November 2015.

IV. Selected universal periodic review recommendations to Israel and broad continuing human rights concerns

29. In October 2013, Israel underwent its second universal periodic review (see A/HRC/25/15). While over 200 recommendations were made, the Special Rapporteur will, as is appropriate, limit his consideration to those regarding the situation in the Occupied Palestinian Territory.

30. In March 2014, Israel submitted its responses to the recommendations in an addendum (A/HRC/25/15/Add.1) containing the Government's official responses to the recommendations, and an annex in which Israel provided its responses to recommendations that it considered beyond the scope of the universal periodic review owing to their focus on international humanitarian law.[30] In the annex, the Government of Israel questioned "the relevance of examining matters which are governed by international humanitarian law in the context of a human rights review", stating that "the applicability of human rights conventions to the West Bank and the Gaza Strip has been subject of considerable debate over the past years".[31] The Special Rapporteur refers to the determination of the International Court of Justice that international humanitarian law and human rights law apply in the Occupied Palestinian Territory.[32]

31. The Special Rapporteur notes the stated support of Israel for the following broad recommendations pertaining to its respect for international law: comply with its legal obligations under international law alongside its obligations deriving from international human rights treaties to which Israel is a party; abide by its international legal obligations, including those under the Fourth Geneva Convention; and strengthen its cooperation with international human rights mechanisms, in particular with the Human Rights Council (see A/HRC/25/15, paras. 136.46, 136.47 and 136.37, and A/HRC/25/15/Add.1, para. 13). Regrettably, however, the Government of Israel rejected many recommendations on settlements, the blockade, Palestinian prisoners and detainees and accountability. These are critical areas to address in order to improve the situation of ongoing violations under the Israeli occupation of the West Bank, including East Jerusalem, and Gaza.

A. Settlements

32. Most of the human rights violations against Palestinians in the West Bank, including East Jerusalem, are linked to the existence and expansion of settlements. Such violations relate to home demolitions and the consequent displacement, discriminatory supply of water and provision of access to land, movement restrictions, settler violence and the discriminatory military court system which Israel applies to Palestinians. The Special Rapporteur deeply regrets that Israel rejected the following recommendations related to settlements: stop the transfer of its population to the occupied territory and put an end to all measures that encourage or perpetuate the settlements; guarantee the right to housing of the Palestinians in the occupied territories, including East Jerusalem, stopping the demolition of

[30] For the purposes of this discussion the Special Rapporteur recognizes the unofficial status of responses provided by Israel in the annex, but as they represent an expression by Israel on particular areas, he will consider the support of Israel for recommendations as noted in both the addendum and in the annex.

[31] The annex is available from the website of the Office of the United Nations High Commissioner for Human Rights, at www.ohchr.org/EN/HRBodies/UPR/Pages/ILSession15.aspx.

[32] *Legal Consequences of the construction of a wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.

Palestinian houses and guaranteeing the property rights of the Palestinian population; and dismantle the separation wall and halt the expansion of illegal settlements (see A/HRC/25/15, paras. 136.173, 136.229 and 136.151, and A/HRC/25/15/Add.1, para. 53).[33]

33. The Special Rapporteur notes the partial support to the following recommendation on discrimination and access to natural resources: effectively protect the Palestinian population in the occupied West Bank, including East Jerusalem, against any form of discrimination which impairs the equitable access to basic services or natural resources, including water and land, or else the equal enjoyment of fundamental rights and freedoms, particularly the right to equal protection before the law (see A/HRC/25/15, para. 136.205).[34] However, as previously reported, Palestinians continue to face entrenched discrimination in access to land and water under the policies and practices of the Israeli occupation (see A/70/392, section III.A).

34. In view of continuing settlement activities, and the absence of a commitment by Israel to change its policy, the Special Rapporteur notes recent steps by some Member States regarding labelling of settlement produce. On 11 November 2015, in a move condemned by Israel,[35] the European Commission adopted an interpretative notice on the indication of origin of goods from the territories occupied by Israel since June 1967, in order to ensure that European Union legislation applies to Israel within its internationally recognized, i.e. pre-1967 borders.[36] Information published by the European Union External Action Service clarifies that that marking products, such as fruit and vegetables, from Israeli settlements "made in Israel" would mislead consumers and therefore be inconsistent with existing European Union legislation.

B. Blockade

35. In Gaza, the landscape and the people are scarred by multiple rounds of hostilities with Israel and kept in a state of de-development by the long-standing blockade, which constitutes collective punishment contrary to international humanitarian law (see A/70/392, sect. II.B). It has the effect of isolating Gaza, including from the rest of the Occupied Palestinian Territory, and affects a range of human rights, especially the right to freedom of movement and the right to an adequate standard of living. There is a dire lack of potable water and a severely limited electricity supply.[37] The United Nations Conference on Trade and Development has reported: "The over-abstraction and scarcity of drinking water have been exacerbated by crumbling sanitation infrastructure, while the blockade creates chronic shortages of electricity and fuel, which in turn aggravate contamination and the water crisis" (see TD/B/62/3, para. 46).

36. Many of the families hit hardest in terms of damage and destruction of their homes during the 2014 Israeli military operation, some 95,000 people, were still displaced as of

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[33] See the annex provided by Israel (footnote 31 above).

[34] Ibid.

[35] Israel, Ministry of Foreign Affairs "PM Netanyahu's response to EU decision regarding product labelling", 11 November 2015.

[36] European Union External Action, Fact Sheet, Interpretive Notice, 11 November 2015. Available at http://eeas.europa.eu/delegations/israel/documents/news/20151111_indication_of_origin_fact_sheet_final_en.pdf.

[37] In the context of the blockade as a primary obstacle to the right to an adequate standard of living in Gaza, the Special Rapporteur recognizes that the Palestinian political situation also impacts on the ability of civil servants to provide basic services. See e.g. Office for the Coordination of Humanitarian Affairs, "Humanitarian Bulletin - November 2015".

November 2015.[38] The Office for the Coordination of Humanitarian Affairs reported that in October 2015 the reconstruction of 10 per cent of homes that had been totally destroyed in 2014 was under way (over 1,100), while 12 per cent of repairs to severely damaged homes had been completed.[39] In the same month, the United Nations Relief and Works Agency for Palestine Refugees in the Near East reported that a refugee family in Gaza was the first to complete the reconstruction of their totally destroyed home, through the Gaza Reconstruction Mechanism.[40] While progress remains limited more than a year after the 26 August 2015 ceasefire, the Special Rapporteur welcomes the assistance reaching families affected by the destruction of and damage to homes. He joins again the many calls for donors to realize their pledges made in Cairo in October 2014. The Special Rapporteur recalls, however, that the need to facilitate the entry of building materials into Gaza has been created as a result of the maintaining of the blockade by Israel. Long-term viability requires that the economy of Gaza, and people's livelihoods, be freed from the stranglehold that the blockade's restrictions on movement of goods and people presents.

37. The Special Rapporteur is dismayed that there appears to be no indication from Israel that the blockade will be lifted. The Government of Israel rejected seven recommendations expressly on lifting the blockade or closure of Gaza. In the interactive dialogue of the universal periodic review, Israel sought to justify the continuation of the blockade referring to "the volatile security situation" (see A/HRC/25/15, para. 125). The people of Gaza have suffered greatly during three escalations of hostilities with Israel between 2008 and 2014, during which time the blockade was continually imposed. Even outside of active hostilities, the people of Gaza remain victims of violations of their human rights resulting from the effects of the blockade. The Special Rapporteur recalls the joint statement, issued by 30 international aid agencies six months after the ceasefire in Gaza, warning that, "a return to hostilities is inevitable if progress is not made and the root causes of conflict are not addressed" and stressing that Israel, as the occupying Power, must comply with its obligations under international law and "must fully lift the blockade".[41]

C. Prisoners and detainees

38. The Special Rapporteur has previously detailed his concerns regarding the treatment of Palestinian prisoners and detainees, including children, under the Israeli military court system (see A/HRC/28/78, sect. IV, and A/70/392, sect. IV). Figures reported by various non-governmental organizations show a sharp rise in the number of Palestinians detained in the month of October 2015, during the escalation of violence. According to figures published by an Israeli non-governmental organization, the number of Palestinians in the custody of the Israeli security forces reached some 5,680; a rise of more than 400 persons held compared to September 2015.[42]

39. With respect to the situation of child suspects and detainees, the Special Rapporteur is astounded at the openly discriminatory approach signalled by the rejection by Israel of

[38] Office for the Coordination of Humanitarian Affairs, "Humanitarian Bulletin: occupied Palestinian territory - October 2015", p. 6.

[39] Ibid., pp. 5-6.

[40] "After 70 days, I held the new keys in my hands", 21 October 2015. Available from www.unrwa.org/newsroom/features/"after-70-days-i-held-new-keys-my-hands.

[41] "We must not fail in Gaza", joint statement by 30 international aid agencies issued on 26 February 2015.

[42] B'Tselem, "Statistics on Palestinians in the custody of the Israeli security forces" (accessed on 2 December 2015). This figure does not include Palestinians held in Israel Prison Service facilities for being in Israel illegally.

the following recommendation: take all steps necessary to ensure that Palestinian children in military custody receive the same level of care and have the same rights as provided by Israeli criminal law to youth offenders (see A/HRC/25/15, para. 136.114).[43] A rise in Palestinian minors held by Israel has also been recorded. Some 300 of those held by Israel at the end of October 2015 were minors, up from some 170 in September 2015.[44] In the light of the conclusion by United Nations Children's Fund (UNICEF) in February 2013 that "ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized",[45] the rise in children in detention is alarming. Statistics collected by a professional voluntary association indicate that practices of night arrests, threats, physical and verbal abuse against children detained continue.[46]

40. In November 2015, there have been several severe legislative moves.[47] On 2 November, the Ministry of Foreign Affairs of Israel reported that the Knesset had passed a temporary law, to be reviewed in three years' time, setting a minimum sentence of three years' imprisonment for those convicted of stone-throwing.[48] On 25 November 2015 the Knesset approved in a preliminary vote that children under the age of 14 can receive prison sentences, upon being convicted of terrorism, to be implemented when they turn 14.[49]

41. Israeli authorities have recommenced the practice of administrative detention of children for the first time since December 2011. The Special Rapporteur has received information in three cases concerning East Jerusalem teenagers[50] held under this practice without charge or trial. Statistics indicate another child was also under administrative detention in October 2015, although the Special Rapporteur has not received specific information on the case.[51]

42. The Government of Israel supported the following recommendation: ensure that administrative detention is carried out in accordance with international human rights standards. According to figures published by an Israeli non-governmental organization, 429 Palestinians were held under administrative detention at the end of October 2015.[52] The

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[43] See the annex provided by Israel (footnote 31 above).

[44] B'Tselem, "Statistics on Palestinian minors in the custody of the Israeli security forces" (accessed on 2 December 2015).

[45] UNICEF, *Children in Israeli Military Detention: Observations and Recommendations* (Jerusalem, February 2013), executive summary.

[46] Military Court Watch, "Comparative graph - Issues of concern". Statistics based on testimonies collected (accessed on 9 December 2015).

[47] In addition to the previously reported amendment to the Penal Code adopted on 20 July 2015, providing for up to 20 years' imprisonment for those convicted of throwing stones or any other objects , with intent to cause harm, at moving vehicles (see A/70/392, para. 71). The Knesset, "Knesset approves harsher punishments for stone throwers", press release, 21 July 2015.

[48] The Knesset, "Knesset approves harsher punishment for rock-throwing", 2 November 2015. It is noted that the text mentions the maximum sentence to be 15 years, although up to 20 years imprisonment was reported previously for throwing stones, with intent to cause harm, at moving vehicles (ibid.). The Ministry of Foreign Affairs website links the press release to the "Security Cabinet statement on rock-throwing" dated 24 September 2015, concerning measures against rock-throwing in Jerusalem.

[49] The Knesset, "Approved in preliminary reading. Prison sentences for minors under 14 who were convicted of terrorism", 25 November 2015. The press release mentions keeping minors in "children's homes" until they can be sent to prison.

[50] Defense for Children International – Palestine, "Three East Jerusalem teens held in administrative detention", 27 October 2015.

[51] Military Court Watch, Newsletter, November 2015.

[52] B'Tselem, "Statistics on Palestinians in the custody of the Israeli security forces" (accessed on 2 December 2015).

Special Rapporteur stresses that administrative detention is only exceptionally permissible for the shortest possible periods of time. Hundreds of Palestinians being held, now including children, often under secret evidence, and for up to six-month terms that can be renewed indefinitely, is not consistent with international human rights standards. It is fundamental that those suspected of wrongdoing be able to defend themselves and to challenge the detention. The Government of Israel should promptly charge or release all administrative detainees.

D. Accountability

43. The Special Rapporteur notes that Israel supported the following recommendation: fight impunity by thorough and impartial investigations on all the allegations of human rights violations, including when these allegations involve members of security forces or settlers (see A/HRC/25/15, para. 136.66, and A/HRC/25/15/Add.1, para. 35). However, concerns remain about a persistent and general lack of accountability for violations and crimes against Palestinians (see A/70/392, sect. V).

44. The 31 July 2015 arson attack on a family home in the West Bank village of Duma is an emblematic case illustrating the lack of accountability for the killings of Palestinians, including in incidents which are strongly suspected to have been acts of settler violence (see A/70/392, para. 47).[53] On 2 December 2015, the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority expressed regret at the slow progress in bringing the perpetrators in this case to justice.[54] In another high-profile case, the Special Rapporteur notes reports in Israeli media of the conviction in November 2015 of two suspects in the murder in July 2014 of 16-year-old Mohammad Khdeir. The conviction of the third and main suspect is reportedly pending a psychiatric evaluation.[55]

45. According to the Office for the Coordination of Humanitarian Affairs, in 2015, settler-related violence continued at a weekly average rate of two Palestinian casualties and three incidents of damage to Palestinian-owned property. The Office highlighted a marked increase in settler violence reported in and around Hebron in October and November 2015, with 61 attacks causing injuries to Palestinians or property damage.[56]

46. Cases of Palestinian fatalities involving Israeli security forces and failures to appropriately investigate and prosecute have also contributed to the sense of impunity for crimes committed against Palestinians. According to information released in December 2015 by an Israeli non-governmental organization, even when the Israeli Military Police Criminal Investigations Division has launched criminal investigations into alleged offences by Israeli soldiers against Palestinians, indictment rates are low: reportedly, over the past five years, only 3 per cent of criminal investigations resulted in indictments.[57] Concerns of

[53] See also High Commissioner for Human Rights, press release, "Zeid urges calm and restraint in West Bank amid deadly escalation", 8 October 2015.

[54] Statement by the United Nations Special Coordinator for the Middle East Peace Process, Nickolay Mladenov, on the Dawabsha family case, Jerusalem, 2 December 2015.

[55] Nir Hasson, "Court finds two guilty in Abu Khdeir murder, conviction of main suspect suspended", *Haaretz*, 30 November 2015.

[56] Office for the Coordination of Humanitarian Affairs, "Protection of civilians report: 24-30 November 2015", 4 December 2015, and "Humanitarian Bulletin - November 2015", p. 3.

[57] Yesh-din, Data Sheet, "Law Enforcement on IDF Soldiers suspected of harming Palestinians: Figures for 2014", December 2015.

lack of accountability for alleged violations during the 2014 Israeli military operation in Gaza (A/70/392, sect. V), will be further illustrated in section V B.

47. The Special Rapporteur reiterates that settlements, the blockade, Palestinian prisoners and detainees and accountability are critical areas to address and urges Israel to take concrete steps towards addressing related ongoing violations in the Occupied Palestinian Territory.

V. Cases of alleged violations raised with Israel through communications from special procedures

48. Between June 2014 and the end November 2015, the Special Rapporteur transmitted 10 communications (joint letters of allegation or joint urgent appeals) to the Government of Israel, raising allegations of violations of international human rights law and international humanitarian law by Israeli authorities. Through communications, the Special Rapporteur seeks to intervene in individual cases but also to raise broader concerns regarding the legislation, policies and practices of the Government of Israel that give rise to human rights violations in the Occupied Palestinian Territory.

49. In 2014, the Government of Israel responded substantively to one out of three communications sent in the second half of the year. By the end of November 2015, out of seven communications sent, the Government of Israel had responded to two.

50. Of the 10 communications, 2 concerned the threatened forced eviction of a Palestinian family in East Jerusalem; 1 addressed the forced eviction and forcible transfer of Bedouin communities in the West Bank; 2 related to allegations of violations against Palestinian human rights defenders; 2 centred on allegations of excessive use of force by Israeli security forces; 1 concerned legislative developments affecting the human rights of Palestinians detainees and prisoners held by Israel; and 2 alleged violations of the principles of international humanitarian law in Israeli strikes during the Israeli military operation in Gaza in July and August 2014.

A. The West Bank, including East Jerusalem

51. The Special Rapporteur previously reported (A/70/392, paras. 61-68) on the pressure brought to bear on Palestinians in occupied East Jerusalem to leave. This is related to settlement activity and the apparent policy of the Government of Israel to establish a demographic composition in Jerusalem whereby the Jewish population outstrips the Palestinian population by a certain percentage. Combined with the declaration in Israeli law in 1980 that all of Jerusalem is the capital of Israel,[58] contrary to international law (Security Council resolutions 476 (1980) and 478 (1980)), this provides the backdrop against which the right of Palestinians to live in East Jerusalem is continually challenged.

52. On 20 November 2015, the Special Rapporteur and the Special Rapporteurs on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; on the independence of judges and lawyers; and on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health sent a follow-up urgent appeal to the Government of Israel against a forced eviction of a Palestinian family in East Jerusalem (see A/HRC/31/79, case No. ISR

[58] Basic law: Jerusalem, Capital of Israel (1980).

8/2015).[59] In September 2014, an eviction order was issued against the Ghaith Sub-Laban family from their home. According to information received, the main claim of the settler organization which sought to evict the family was that they had lost their protected tenancy status as a result of having abandoned the house. The case was decided against the family by a magistrate who was herself a settler. Following a failed appeal, whether the family of eight, including two children, will be able to remain in what has been their home since 1953 now depends on whether they will be granted the right to submit another appeal. Meanwhile, their social services, including health care, have reportedly been discontinued. This case is illustrative of the environment in which Palestinians in the occupied East Jerusalem live with pressure from powerful settler organizations, and the absence of proper legal protections for Palestinians. The Special Rapporteur regrets that no response to the original or the follow-up communication had been received as of 7 December 2015.

53. Another communication dated 14 October 2014 sent to the Government of Israel by the Special Rapporteur jointly with the Special Rapporteurs on adequate housing as a component of the right to an adequate standard of living; cultural rights; the right to food; and minority issues illustrates concerns related to moves by Israeli authorities to force Palestinians out of strategically significant locations (case previously reported, A/HRC/28/78, sect. V, and A/70/392, paras. 41-44). The communication, in which the Special Rapporteurs urged the Government of Israel to halt the plans to forcibly transfer Bedouin communities of thousands of people living in the Jordan Valley and East Jerusalem periphery, has not received a response. Demolitions occurred in some communities affected by the plans, most recently in September 2015 in the East Tayba Bedouin community.[60] Some of these communities are located in an area slated for the expansion of Israeli settlements, including in the area known as "E-1". In addition to violations of a range of human rights that the plans entail, including the right to housing, article 49 of the Fourth Geneva Convention prohibits the occupying Power from carrying out the individual or mass forcible transfers of protected persons and also prohibits Israel from transferring its civilians into occupied territory. It is feared that implementation of the plan would further isolate East Jerusalem from the rest of the West Bank and undermine the territorial contiguity of the Occupied Palestinian Territory.

54. Palestinian human rights defenders perform a critical role in documenting allegations of violations and peacefully protesting against occupation policies and practices. They are often vulnerable to acts aimed at obstructing their work, harassment, threats, reprisals and retaliatory acts, and violations of their rights including under articles 9, 19 and 21 of the International Covenant on Civil and Political Rights, which guarantee rights to liberty and security of the person, freedom of opinion and expression, and freedom of peaceful assembly. Since the beginning of the escalation in violence in 2015, the Special Rapporteur has received a higher than usual number of reports of harassment, threats and obstruction of the work of human rights defenders.

55. In a joint communication with the Working Group on Arbitrary Detention and the Special Rapporteurs on the situation of human rights defenders; on the independence of judges and lawyers; on the promotion and protection of the right to freedom of opinion and expression; and on the rights to freedom of peaceful assembly and of association, dated 27 January 2015 (case No. ISR 11/2014), the Special Rapporteur raised a case of alleged arbitrary arrest and risk of imminent arbitrary detention of a human rights defender, and

[59] A joint communication (case No. ISR 1/2015) with the Special Rapporteurs on adequate housing as a component of the right to an adequate standard of living and on the independence of judges and lawyers, was previously sent to the Government of Israel on this case A/70/392, para. 66.

[60] Office for the Coordination of Humanitarian Affairs, "Humanitarian Bulletin - October 2015", p. 14.

expressed concerns about the use by Israel of the military court system to try Palestinians. The facts revolved around a peaceful protest in May 2012 in front of the Israeli "Ofer" prison, in the occupied West Bank. Abdallah abu Rahma was arrested after having stood in front of bulldozers in an attempt to prevent Israeli security forces from setting up roadblocks. However, he was only charged months later, following his peaceful involvement in the Bab al-Shams protest camp against planned settlements in the West Bank in January 2013. In October 2014, he was convicted for "disturbing a soldier on duty". In its response of 10 March 2015,[61] the Israeli authorities stated that the judicial process leading to Mr. Abu Rahma's conviction complied with human rights standards, including the right to fair trial and due process guarantees. They did not address the allegation that charges against him were only brought following his participation in another peaceful process and did not indicate what measures had been taken to ensure that Palestinian human rights defenders can operate in an enabling environment and carry out their legitimate work without fear of prosecution and criminalization. In November 2015, Amnesty International reported that in rejecting Mr. Abu Rahma's appeal against his four months' suspended prison sentence and fine, the military judge allegedly stated "that the appellant's enthusiasm should be 'cooled down' in the coming years".[62]

56. In a joint communication with the Special Rapporteur on the situation of human rights defenders dated 22 October 2015, concerns were raised on measures taken against Daoud al-Ghoul, a human rights defender, who worked for a Palestinian health and development non-governmental organization in East Jerusalem (see A/HRC/31/79, case No. ISR 7/2015). In November 2014, Israeli authorities allegedly banned him from Jerusalem, with no reasons or charges initially presented. Soon after relocating to the West Bank, he was also banned from there and had to move to Haifa, Israel. These sanctions imposed by Israeli military order were reportedly based on secret evidence, rendering it impossible to for him to defend himself, and were not subject to judicial review. Israeli authorities later claimed that he participated in the political party Popular Front for the Liberation of Palestine, which Israel has prohibited. Mr. Al-Ghoul was reportedly also made subject to a foreign travel ban. He was arrested in June 2015 and charged with "membership of an illegal association". The indictment against him listed activities including leading tours of Israeli settlements and participating in training courses. The Special Rapporteur regrets that no response has been received to the communication from the Government of Israel.

57. Excessive use of force by Israeli security forces is a continuing concern and is heightened during periods of increased tensions. The Special Rapporteur has previously reported (see A/HRC/28/78, para. 47) on the joint communication (case No. ISR 8/2014), with the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression; on the rights to freedom of peaceful assembly and of association; on the situation of human rights defenders; and on extrajudicial, summary or arbitrary executions, and reflected the response of Israel of 12 November 2014.[63] The communication, dated 21 August 2014, concerned alleged excessive use of force in the case of the killings of three peaceful demonstrators in the West Bank by live ammunition fired by Israeli security forces.

58. In a joint communication with the Special Rapporteur on extrajudicial, summary or arbitrary executions dated 22 October 2015, the Special Rapporteur raised concerns in the

[61] See https://spdb.ohchr.org/hrdb/29th/Israel_10.03.15_(11.2014).pdf.

[62] Amnesty International, Urgent Action, "Military Court Rejects Activist's Appeal", 19 November 2015.

[63] See https://spdb.ohchr.org/hrdb/28th/Israel_12.11.14_(8.2014).pdf.

context of the 2015 upsurge of violence, including attacks by Palestinians, regarding the many cases of injuries and killings of Palestinians involving Israeli security forces (see A/HRC/31/79, case No. ISR 6/2015). Concerns included extensive use of live ammunition and rubber-coated metal bullets against Palestinians demonstrating throughout the occupied West Bank, including East Jerusalem, and killings of Palestinian suspects of attacks on Israelis. In a joint press release of 16 November 2015, the Special Rapporteur, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions called for "an end to the violence by all and strict compliance with international law" and urged "the authorities to carry out independent, thorough, prompt and impartial investigations into all suspected cases of extrajudicial, arbitrary and summary executions".[64] No response had been received as at 7 December 2015 to the communication. However, the Permanent Mission of Israel has issued a press release in response to that of the Special Rapporteurs, in which it objected, among other points, to the reference to the violence taking place within the context of long-standing Israeli occupation policies and practices.[65]

59. In a joint communication with the Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and on torture and other cruel, inhuman or degrading treatment or punishment dated 24 July 2015, the Special Rapporteur urged the Government of Israel to refrain from amending the Prison Act to allow the forced feeding of prisoners and detainees on hunger strike (see A/HRC/31/79, case No. ISR 3/2015). The communication made clear that such treatment would risk violating the absolute and non-derogable prohibition of torture and other ill-treatment, as codified in articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Israel responded on 14 August 2015,[66] stating that the law sought to balance the prisoner's autonomy over his/her body and right to protest with the responsibility of the State to safeguard their health care, and would only be used in cases of hunger strikes "driven by particular political purposes".

60. The amendment was resisted by the Israeli Medical Association, which noted that no prisoner or detainee in Israel had ever died during a hunger strike. It considered forced feeding equivalent to torture and concluded that it was "in conflict with accepted medical ethics in Israel and around the world".[67] As previously reported (see A/70/392, para. 70), the law was passed on 30 July 2015. However, in the high-profile case of the Palestinian hunger-striker Mohammad Allan, who was protesting against his administrative detention, it appeared that prison authorities experienced great difficulty in finding medical professionals willing to perform the treatment envisaged by the law.[68] The Special Rapporteur applauds the principled resistance of Israeli physicians to administering the forced treatment provided for in this law.

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[64] Press release, "UN rights experts express deep concern about ongoing bloodletting in the Occupied Palestinian Territory", 16 November 2015.

[65] "Israel expresses shock and deep regret following UN Special Rapporteurs Press Release published November 16, 2015", press release, 17 November 2015.

[66] It is noted that the response received in that case omitted to acknowledge the mandate on the situation of human rights in the Palestinian territories occupied since 1967. See A/HRC/31/79.

[67] Israeli Medical Association, "The Physician's Guide to treating the detainee/prisoner on a hunger strike", Policy Paper, June 2014.

[68] Addameer on Mohammad Allaan, updated 16 August 2015; Amnesty International, urgent action, "Palestinian Lawyer Mohammed Allan Released", 6 November 2015.

B. Gaza

61. Two communications sent by the Special Rapporteur concerned cases of alleged violations of international humanitarian law during the Israeli military operation in Gaza in July and August 2014. These communications were part of an attempt to raise with the Government of Israel the long-standing general lack of accountability for Israeli violations of international humanitarian law and international human rights law. The Special Rapporteur regrets that Israel has not responded to these communications.

62. The first of these joint communications, with the Special Rapporteur on extrajudicial, summary or arbitrary executions dated 20 August 2014 (case No. ISR 9/2014), raised four emblematic cases of alleged disproportionate or indiscriminate attacks that caused a number of Palestinian civilian fatalities, including children (previously reported, see A/HRC/28/78, para. 24). In an update of June 2015, the Israeli Military Advocate General ordered a criminal investigation into one of these cases noting that "the factual findings … indicated the existence of grounds for reasonable suspicion that the attack was not carried out in accordance with the rules and procedures applicable" to the Israel Defense Forces.[69] This was the case of the 9 July 2014 airstrike on a beach resort in Khan Younis which killed nine young men, including four teenagers, who had been watching a football World Cup match. There was reportedly no indication that the location had been used for military purposes. As of 7 December 2015, there was no further update available.

63. The second joint communication, with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health dated 11 June 2015, concerned alleged violations related to seven cases of attacks by the Israel Defense Forces, during the 2014 hostilities, on medical facilities and medical staff, leading to destructions of health care facilities, and civilian deaths and injuries (see A/HRC/31/79, case No. ISR 2/2015). In addition, the Special Rapporteur raised allegations of wilful delay and obstruction by the Israel Defense Forces of medical evacuations. Concerns were raised of alleged failures by Israel Defense Forces to comply with principles of international humanitarian law, including special protection afforded to hospitals and medical workers, as well as violations of the right to health.[70]

64. The Special Rapporteur takes the opportunity to provide more information on one such case, which he raised during his presentation to the Human Rights Council at its twenty-eighth session and which was also mentioned in the report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 (see A/HRC/29/CRP.4, para. 332). The case concerns a 7-year-old boy who was attempting to flee the area of Khuza'a in the morning of 24 July, when he was hit by shrapnel to the stomach during Israeli shelling. The boy's medical evacuation was reportedly delayed by the Israel Defense Forces, with no reason given, for more than three hours from the time he was injured, in order to achieve coordination for medical evacuation access and at checkpoints. At one point, the dying boy reportedly had to be removed from the ambulance at a checkpoint to allow the Israeli Defense Forces to inspect the ambulance with dogs. The boy passed away before reaching hospital. The Special Rapporteur is not aware of any investigation into this case.

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[69] All references to Israeli examinations and investigations with respect to the Israeli Military Operation in Gaza in 2014 accessed via http://www.law.idf.il/163-7353-en/Patzar.aspx, "Decisions of the IDF MAG Regarding Exceptional Incidents that Allegedly Occurred During Operation 'Protective Edge' – Updates".

[70] Fourth Geneva Convention, arts. 17-20, and the International Covenant on Economic, Social and Cultural Rights, art. 12.

65. The communication also included alleged violations related to attacks by Israel Defense Forces on hospitals, ambulances and medical workers. There were three cases of attacks on hospitals: Al-Aqsa, Beit Hanoun, and Al-Wafa. With respect to the Al Wafa hospital, which was attacked several times between 11 and 23 July 2014, when it was destroyed, the case was examined by the Israeli Fact Finding Assessment Mechanism. However, based on claims that it had been used for military purposes, no investigation followed. Information received by the Special Rapporteur suggested only the possibility of a launching site more than 200 metres from the hospital, but no other military activity in the area of the hospital. The independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 reported that all relevant witnesses it interviewed, including medical staff, denied that it was used for military purposes prior to its evacuation (see A/HRC/29/CRP.4, para. 477). In two of the three cases of attacks on ambulance and medical workers, investigations appear to have been opened by the Military Advocate General following examination by the Fact-fining Assessment Mechanism. The third case, into which there seems to have been no investigation, concerned the killing of a three-person ambulance crew when the ambulance allegedly came under attack by the Israel Defense Forces while it was on its way to attend casualties at the site of a reported drone strike. As of 7 December 2015, there were no further updates available on these cases.[71]

66. These cases illustrate a variety of effects of the policies and practices of the occupation and the related conflict on individual Palestinian lives. The Special Rapporteur reiterates the need for increased realization of the protections afforded Palestinians in the Occupied Palestinian Territory under international human rights law and international humanitarian law. Communications addressed to the Government of Israel after November 2015 are not included in the present report, but will be included in the communications report of special procedures presented at the thirty-second session of the Council.

VI. Conclusions and recommendations

67. **The Special Rapporteur recalls the well-documented violations related to the Israeli occupation policies and practices in the Occupied Palestinian Territory and sees a critical need for the international community to increase its protection of the Palestinian population.**

68. **He appeals to the Government of Israel, as the occupying Power, to take practical steps to implement protections under international law as it pertains to the Palestinian population living under occupation. In particular, he urges Israel to review, with a view to implementing, recommendations made to it to improve the human rights situation in the Occupied Palestinian Territory, by the Secretary-General, the High Commissioner for Human Rights and independent mandates in reports presented to the General Assembly and the Human Rights Council.**

69. **The Special Rapporteur reiterates recommendations previously made (see A/HRC/28/78 and A/70/392) and presents and re-emphasizes the following recommendations to the Government of Israel:**

(a) **Lift the blockade on Gaza, which is a primary obstacle to reconstruction, entails violations of human rights and constitutes collective punishment;**

[71] A response from Israel to the communication was received following the finalization of the present report. It will be made available in the relevant communications report of Special Procedures.

(b) Halt settlement expansion and refrain from carrying out demolitions of Palestinian property, forced evictions, and other acts causing the forced displacement of Palestinians in the West Bank, including East Jerusalem;

(c) Ensure compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and conduct full investigations into cases of excessive use of force by Israeli security forces and into allegations of settler violence;

(d) Ensure that domestic-level investigations provide accountability, including by widening the scope of investigations to include policy-level decisions guiding the Israel Defense Forces during the 2014 military operation in Gaza;

(e) End the practice of administrative detention and urgently charge or release Palestinian prisoners and detainees, especially children;

(f) Urgently redouble efforts to implement recommendations by UNICEF with respect to the detention of children, in particular, ensuring that children are detained only as a last resort;

(g) Desist from excessive measures affecting Palestinian freedom of movement and cease immediately the practice of punitive home demolitions;

(h) Cooperate with the mandate of the Special Rapporteur and any United Nations-mandated body, as required of a State Member of the United Nations, and facilitate access to the Occupied Palestinian Territory.